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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,214	08/25/2003	Karl Allen Dierenbach		9036
7590	09/22/2004			
Karl Allen Dierenbach #100 232 McCaslin Blvd. Louisville, CO 80027			EXAMINER PHAN, THANH S	
			ART UNIT 2841	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,214

Applicant(s)

DIERENBACH, KARL ALLEN

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1,3-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 7, it is not clear what drive wheel applicant intended by "in contact with drive wheel."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Hartwig [US 3,668,858].

Regarding claims 1, 8-9, 16, 18, Hartwig discloses an apparatus for the display of time [14] comprising a clockwork [not explicitly labeled, figure 12] including at least two coaxial output shafts [figure 12] driven at different annular rates [column 3, line 58 - column 4, line 29]; at least two drive wheels [48, 24]; one drive wheel attached to each of the drive shafts [figure 11]; a first rigid member with an inner annular surface [44] which is suspended by one of the

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drive wheels [48] and has a demarcation [43] to represent the hour, the first rigid member being in contact with the first drive wheel so as to rotate the first rigid member once every twelve hour allowing the hour to be interpreted using traditional clock interpretation means [figure 14]; a second rigid member [17] with an inner annular surface which hang on the second of the drive wheel and has a demarcation [16] to represent the minute of the hour, the second rigid member being contact with the second drive wheel so as to rotate the second rigid member with minute demarcation once every hour allowing the minute of the hour to be interpreted using traditional clock interpretation means.

Regarding claims 3, 11, Hartwig discloses the rigid member being substantially clear annular rings [column 2, lines 45-57].

Regarding claims 5, 13, 17, 19, Hartwig discloses the clock work including a third output shaft with a third driven wheel attached to the third output shaft [54, column 4 lines 30-54] and a third rigid member [29] with an inner annular surface which hangs on the third drive wheel and has a demarcation [41] to represent the second of the minute, the third rigid member being in contact with the third drive wheel so as to rotate the third rigid member once every minute allowing the second of the hour to be interpreted using traditional clock interpretation means.

Regarding claim 7, Hartwig discloses the first rigid member having an annular ring to contact the drive wheel which is farthest from the clockwork and comprises a flange to attached the annular ring to a surface perpendicular to the axis of rotation being large enough to hide the drive wheel from view and provide an area for demarcation to indicate time [figure 12].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartwig.

Regarding claims 4, 9, Hartwig discloses the rigid members being substantially clear rings [column 2 lines 45-57] and a stationary third member [14] being mounted with the clear annular rings, wherein the third member has demarcations to aid in the interpretation of the time of day.

Hartwig disclose the claimed invention except for the third member being ring shaped and located behind the clear annular rings.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the annular member could have been ring shaped and located behind the clear annular rings dependent upon the desired appearance and application of the clock.

Claims 6, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartwig in view of Truini [US 5,359,578].

Hartwig discloses everything claimed except the first rigid member having a smaller diameter then the second rigid member.

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Truini discloses a clockwork [figure 8b] having at least two annular rings [8.8, 8.5] supported on coaxial pins [8.10, 8.11] wherein the first ring has a smaller diameter.

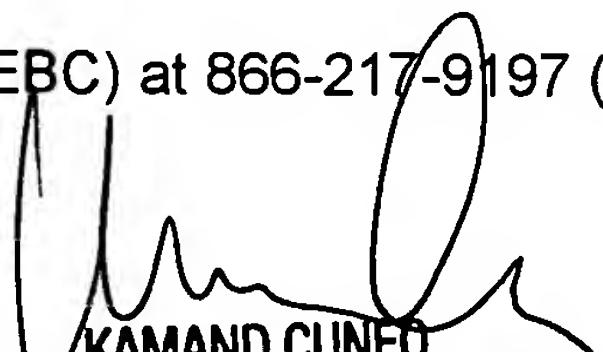
It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rings with different diameters for the purpose of improving accuracy.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KAMAND CUNEO  
SUPERVISORY PATENT EXAMINER  
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